

Judge Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PEDRO SALAMANCA-LOPEZ,  
a/k/a Pablo Salamanca-Lopez,  
a/k/a Burro Prieto, and  
ARTURO BARBOSA-MATA,

Defendants.

NO. CR05-5090RBL

ORDER CONTINUING  
TRIAL DATE

THIS MATTER came before the Court upon the motion of the defendants, PEDRO SALAMANCA-LOPEZ, and his attorney Michael Schwartz, ARTURO BARBOSA-MATA, and his attorney, Charles Johnston requesting an Order granting a continuance of the trial date. The United States, by and through John McKay, United States Attorney for the Western District of Washington, and Sarah Y. Vogel, for said district, filed a response agreeing with a limited continuance of the trial date for up to 30 days if both defendants filed waivers of speedy trial. Having considered all the files and records herein,

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(i) that failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

1       THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
2 3161(h)(8)(B)(iv), that failure to grant the continuance in this case, which, taken as a  
3 whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel  
4 for the defendants the reasonable time necessary for effective preparation, due to  
5 counsels' need for more time to review the evidence and consider possible defenses,  
6 and to find and interview potential witnesses, including a possible alibi witness, taking  
7 into account the exercise of due diligence;

8       THIS COURT FINDS, pursuant to Title 18, United States Code, Section  
9 3161(h)(7), that this is a reasonable period of delay in that the defendants are joined for  
10 trial and no motion for trial has been granted, and both defendants have requested more  
11 time to prepare for trial, and defendant Arturo Barbosa Mata has filed a waiver of  
12 speedy trial excluding all time from the old trial date of June 13, 2005 to the new trial  
13 date of September 26, 2005.

14       THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,  
15 Section 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that  
16 they outweigh the best interests of the public and the defendants in a speedy trial.

17       THIS COURT FURTHER FINDS that all of the additional time requested  
18 between the original trial date of June 13, 2005, and the new trial date of  
19 September 26, 2005 is necessary to provide counsel for the defendants the reasonable  
20 time necessary to prepare for trial.

21       NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be  
22 continued until September 26, 2005, at 9:30 a.m., with a pretrial conference on  
23 September 20, 2005, at 9:00 a.m., and that the date within which the pretrial motions  
24 are due is continued to August 1, 2005. The time between this date and the new trial

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1 date is excluded in computing the time within which a trial must be held pursuant to  
2 Title 18, United States Code, Section 3161, et. seq.

3 DATED this 7<sup>th</sup> of June, 2005.

4   
5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE

7 Presented by:

8  
9 s/Sarah Y. Vogel  
10 SARAH Y. VÖGEL  
Assistant United States Attorney

11  
12 s/Matthew H. Thomas  
13 MATTHEW H. THOMAS  
Assistant United States Attorney

14  
15 s/Michael Schwartz \*  
16 MICHAEL SCHWARTZ  
Counsel for defendant Salamanca-Lopez  
17 \*telephonic approval

18  
19 s/Charles Johnston \*  
20 CHARLES JOHNSTON  
Counsel for defendant Barbosa-Mata  
21 \*verbal approval